

Taft School District 90 Request for Waiver of the Rules

FCC Form 471 No. 994711

Zeller and Associates, LLC

(847) 828-4606

gzeller@zellerandassociates.com

Appendix K

TaftSD90_App_K_NeshobaAppeal.pdf

Neshoba County School District Appeal

Waiver Granted in DA 13-1383

**Alexander County School District
Taylorsville, North Carolina et al.**

Neshoba County School District – Request for Waiver

April 12, 2012

Received & Inspected

APR 13 2012

FCC Mail Room

CC Docket No. 02-6
Request for Waiver

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: Billed Entity Number: 128658
Neshoba County School District (NCSD)
Jason Mayo, Technology Coordinator
401 Beacon Street
Philadelphia, MS 39350
601-650-1489 Phone
662-656-3789 Fax
jmayo@neshoba.k12.ms.us

This letter of appeal is a request for waiver for (1) the extension of the service delivery deadline and (2) the opportunity to correct a clerical error on the Form 471 from recurring charges to non-recurring charges; resulting in the decision by USAC to deny payment of the submitted service provider invoices (SPI) for reason of "Ship Date Outside of Funding Year" in reference to the following:

Funding Year: 2010
Form 471 Application Number: 729408
Form 471 Application Date: 02/04/2010
Funding Request Numbers: 1973391, 1973363, 1973419, 1973430, 1973446
Funding Commitment Decision Letter: 09/21/2011
471 Service Start Date: 07/01/2010
Contract Expiration Date Original: 07/01/2011
Contract Expiration Date Revised: 06/30/2012
FRNs Added to FRN Extension Table: 09/16/2011
486 Service Start Date: 07/01/2010
486 Processed Date: 09/28/2011

RECEIVED
FCC
APR 13 2012

0

Neshoba County School District – Request for Waiver

Last Date to Invoice Original: 10/28/2011

Last Date to Invoice Revised: 05/17/2012

Wave Number: 67

Payment Method Changed to SPI: 02/10/2012

Invoices Denied: 02/13/2012

Reason for Invoice Denial: Ship Date Outside of Funding Year; 286

(Attachment 1)

Each FRN Detail and History Information - 1973391, 1973363, 1973419, 1973430, 1973446

(Attachment 2)

Denial from USAC of Each Submitted Invoice for the above referenced FRNs

Background:

Neshoba County School District is a an impoverished school district in rural Mississippi serving over 3200 students at four schools, each with an E-rate discount of 80 percent, with over 2000 students eligible for the National School Lunch Program (**Attachment 3 – State of Mississippi Public Schools E-rate Discount Calculations**). The annual school budget is modest and insufficient to provide our teachers and students with state-of-the art technology found in more affluent school systems. Without E-rate discounts, affordable telephone service, telephone systems, and improvements to Local Area Networks in our schools would be unattainable. The E-rate program was structured specifically to make advanced services, such as the Internal Connections requested in FRNs 1973391, 1973363, 1973348, 197461, 1973419, 1973430, 1973446, and 1973406, to school districts that otherwise would not be possible. Throughout the E-rate program, NCSD has applied for discounted service in a fiscally responsible manner. *NCSD has not received funding for Internal Connections through the E-rate program since 1999* until this referenced funding year of 2010 either from not applying or being rejected because the funding discount levels did not reach the level of our school district (**Attachment 4 – Funding Request History from 2000 to 2009**).

Because of the limited resources in our school district, there is no one staff member dedicated with just the task of pursuing federal funding. For funding years 1999 through 2008,

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the district Technology Coordinator, Jason Mayo, had shared multiple responsibilities for the four school locations and district office including the pursuit of E-rate funding. Beginning in the funding year 2009, this task was dedicated to newly hired district staff member, Lynda Crawford, Assistant Superintendent. Although Ms. Crawford also shared multiple tasks for the district, she became the assigned staff member to pursue E-rate funding and process E-rate documents. This caused a deficit to the district for this staff member did not understand all the various program guidelines for applications and submissions.

Ms. Crawford's first year to complete and submit a Form 471 application was for Funding Year 2009, which was only for Priority 1 Telecommunications (**Attachment 5 – Form 471 #679285**). There are a total of four FRN request listed on the Form 471 application, and each one is a recurring monthly charge for telecommunication services. Each of these FRNs was funded and has been disbursed for payment (**See Attachment 4 – Funding Request History for 2009**).

Ms. Crawford's second year to complete and submit a Form 471 application was for Funding Year 2010, of which the first 471 application was for Priority 1 services to include three FRNs for Telecommunications and one FRN for Internet Access (**Attachment 7 – Form 471 #728804**). Each of these FRN requests was for recurring monthly charges for telecommunication services and Internet access. Each of these FRNs was funded and has been disbursed for payment (**See Attachment 6 – Funding Request History for 2010 – 471 #728804**).

The second 471 application for Funding Year 2010 completed by Ms. Crawford was for Priority 2 services for Internal Connections (**Attachment 8 – Form 471 # 729408**). These FRN requests were also entered as recurring monthly charges in **Block 5 Item 23a** of the Form 471 #729408 application. As these requests are for Internal Connections for purchases of products and services that only occur as a one-time purchase, these FRN requests should have been entered on Form 471 #729408 Block 5 Item 23f as Annual Non-Recurring (one-time) charges.

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On 08/10/2010, Ms. Crawford received a PIA (Program Integrity Assurance) faxed document requesting additional information for the Form 471 #729408 application (**Attachment 9 – PIA Document**). At no time during this PIA review was there any documented question from the PIA reviewer concerning the amount requested being entered as a recurring monthly charge versus a non-recurring (one-time) charge. NCSD was not given the opportunity by USAC to be informed there was a clerical error detected in the Form 471 application nor the opportunity to correct the unintentional clerical error. If this clerical error had been detected by USAC at the time of the PIA review, NCSD personnel would have become aware of the issue and would have had the opportunity to correct before funding was ever awarded. Since the opportunity was not given during the PIA review, NCSD personnel is now filing this appeal for request for waiver to rectify the clerical error, following program rules and guidelines within the 60 day appeal window.

On 09/21/2011 a Funding Commitment Decision Letter was received in the amount of \$244,232.56 as “Approved” for all the referenced FRNs - 1973391, 1973363, 1973348, 197461, 1973419, 1973430, 1973446, 1973406 for Form 471 #7294078 (**Attachment 10 – Funding Commitment Decision Letter**). Upon receipt of this letter, a Form 486 was filed on 09/28/2011, revealing a service start date of 07/01/2010 to reflect the service start date originally listed in the Form 471 #7294078 application. A Form 486 Notification letter was received dated 10/05/2011 (**Attachment 11 – Form 486 Notification Letter**) acknowledging the service start date of all the referenced FRN requests as 07/01/2010. Again, Ms. Crawford had only experience with filing a Form 486 for telecommunication recurring charges, so she assumed from previous filings that the service start date would be the same as Priority 1 telecommunication and Internet access.

Once notification was received that the Form 486 was processed, services did begin for several of the funded referenced FRNs for Internal Connections. During this timeframe, there was a change in the NCSD administration and Ms. Crawford became no longer employed with the district. Ms. Crawford was with the NCSD for only a short two-year school term, and was no

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longer available for the district to consult with her for questions or information on the E-rate document processes she had conducted for these referenced FRNs. The responsibility for pursuing E-rate funding and processing documents was tasked back to the NCSD Technology Coordinator, Jason Mayo. Mr. Mayo then filed a Form 500 to request a contract extension date to be changed from 07/01/2011 to 06/30/2012 which was approved on 01/26/2012 (**Attachment 12 – Form 500 Notification Letter**).

Products and services were ordered and installed with completion of five of the referenced FRNs invoiced to the NCSD by the service provider Synergetics Diversified Computer Services for the district discounted portion in December 2011 (FRNs 1973446, 1973363, 1973430, 1973419, 1973391). These same referenced FRNs were then invoiced to USAC on 02/09/2012 as follows (**Attachment 13 – USAC Invoices**):

Service Provider Invoice Number	USAC Assigned Invoice Number
INV-016651SLD	1618924
INV-016652SLD	1618948
INV-016667SLD	1618960
INV-016668SLD	1618966
INV-017051SLD	1619055

On 02/13/2012, the service provider, Synergetics Diversified Computer Services, received a notice from USAC of denial of payment on these referenced invoices for reason of “**Ship Date Outside of Funding Year; 286**” (**Attachment 2 – USAC Denial of Invoices**). At this time, NCSD and the service provider began to review all the information referencing these FRNs to determine why USAC would deny these invoices for that reason.

In review of the information provided by the USAC website for funding of non-recurring services outside of the specified funding year, relevant documentation was found under Service Delivery Deadlines and Extension Requests as follows (**Attachment 14 – USAC Service Delivery Deadlines and Extension Requests – Step 11**):

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“In general, non-recurring services must be delivered and installed between July 1 of the relevant funding year and September 20, following the June 30 close of that funding year”

“However, **certain recipients have received or may receive extensions of the deadline delivery** and installation of non-recurring services. Such extensions can occur for various reasons including:

Criteria 1. “A Funding Commitment Decision Letter (FCDL) is **issued by USAC on or after March 1** of the funding year for which support is authorized” (See Attachment 10 – FCDL dated 09/21/2011 after the 03/01/2011 referenced date).

“USAC will automatically extend the service delivery deadline in situations where **criteria 1** are met”.

In review of this information, it was determined that these referenced non-recurring FRNs funded on September 21, 2011 after March 1 of the support authorized funding year, should have had the service delivery deadline automatically extended, but did not. **This is when it was discovered by NCSD and the service provider that the referenced Internal Connection non-recurring FRNs had been entered on the Form 471 #729408 incorrectly as monthly recurring charges.** These referenced FRNs **were not entered in the correct category of non-recurring (one-time) amounts** for USAC to automatically extend the service delivery deadline, therefore the submitted USAC invoices were denied for **“Ship Date Outside of Funding Year; 286”**.

USAC was then contacted by the service provider, Synergetics and assigned with Case #22-330512 asking if NCSD could correct the funding request amounts on the Form 471 #729408 from recurring monthly charges to the correct non-recurring one-time amounts. The USAC case worker stated that the applicant would need to file an appeal to request a waiver to FCC explaining that a clerical error had been made and request that the FRN requests on Form 471 #729408 be changed to the non-recurring (one-time) category and request a waiver to extend the service delivery deadline. This appeal would need to be filed within 60 days of the invoice rejection notice which was dated 02/13/2012.

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Although the E-rate program can be complicated and Ms. Crawford of NCSD did enter the funding requests amounts on Form 471 #729408 in the wrong category of charges of recurring (Block 5 Item 23a) and not the correct non-recurring (Block 5 Item 23f) (**Attachment 7 – Form 471 #729408**) as a *clerical error*; NCSD did not violate a Commission rule, show evidence of waste, fraud, abuse or misuse of funds, or fail to adhere to core program requirements. NCSD has demonstrated rigid compliance with USAC's application procedures and denial of funding of USAC Invoices 1618924, 1618948, 1618960, 1618966, and 1619055 would inflict undue hardship to the school district. Had NCSD posted the requested amounts in the correct line item of the Form 471 #729408, NCSD would have been in compliance with program rules and funding of the submitted referenced Invoices to USAC by the Service Provider Synergetics would have been approved.

Research of Similar Request for Review Approvals:

During the research of similar cases submitted by other school districts and libraries, we found several instances that funding or other similar denials were received by USAC because of clerical or ministerial errors on their FCC 471 or other related forms. In the instances where the FCC found that the school district or library had notably no evidence of waste, fraud or abuse, misuse of funds or failure to adhere to the core program requirements, a granted approval was issued for the waiver or request for review.

Research of recent similar waiver requests for the Federal Communication Commission (FCC) that have been granted approval are as follows:

Case #1 (**Attachment 15**)
DA 10-2354
Ann Arbor Public Schools
File Nos. SLD-542873, et al.
Released Date: December 16, 2010

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1. "In this order, we grant 38 appeals of decisions of the USAC from schools and libraries to correct ministerial or clerical errors on their FCC Forms 470 and 471 and other related forms for funding under the E-rate program".

2.3. "Request for Review of the Decision of the Universal Service Administrator....(granting waivers permitting petitioners to correct clerical or ministerial errors in their FCC Form 471 or associated Item 21 attachments)".

2.5. "These errors include: erroneously characterizing the purchase and installation of equipment as a recurring service."

4. "ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requests for review filed by the petitioners listed in the appendix ARE GRANTED and their applications ARE REMANDED to USAC for further consideration to the extent provided herein."

5. "IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that sections 54.504(b), 54.504(c), and 54.507(c) of the Commission's rules, 47 C.F.R. §§ 54.504(b), 54.504(c), and 54.507(c) ARE WAIVED for the petitioners listed in the appendix as provided herein, and that section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, IS WAIVED for the petitioners listed in footnote 2."

Case #2 (Attachment 16)

DA 11-1208

Achieve Career Preparatory Academy

Released Date: July 27, 2011

2. "Section 54.504(c) of the Commission's rules directs F-rate applicants to submit a completed FCC Form 471 application to USAC. In the Archer Public Library Order, the Commission determined that applicants may correct clerical or ministerial errors on their Form 471 without having to file new funding requests with USAC. Applying the standards of the Archer Public Library Order, we grant 15 requests seeking limited waivers of the FCC Form 471 application filing provision to allow petitioners to correct certain clerical and ministerial errors in their submitted applications and Item 21 attachments. Specifically, seven petitioners mischaracterized non-recurring services as recurring services on their FCC Form 471 applications; 8 three petitioners mischaracterized recurring services as non-recurring services on their FCC Form 471 applications; 9..... At this time, we find no evidence of waste, fraud, or abuse. Therefore, we find that good cause exists to grant 15 petitioners' requests for waiver

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and remand the underlying applications listed in appendix A to USAC for further action consistent with this order.”

3. “ ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. § 0.91, 0.291, 1.3 and 54.722(a), that the requests for review or requests for waiver filed by the petitioners listed in appendix A ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order”.

4. “IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. 0.91, 0.291, 1.3 and 54.722(a), that section 54.504(c) of the Commission's rules, 47 C.F.R. § 54.504(c), IS WAIVED for the petitioners listed in appendix A to the limited extent provided herein”.

Case #3 (Attachment 17)

DA 08-2381

Archer Public Library

Released Date: October 30, 2008

1. “ In this order, **we grant 13 appeals of decisions by the Universal Service Administrative Company (USAC) denying funding to the petitioners due to certain clerical or ministerial errors** in completing their FCC Form 471 or the associated Item 21 attachments under the schools and libraries universal service support mechanism, also known as the E-rate programs. We find that the issues raised here are similar to those addressed by the commission in the *Bishop Perry Order*. We therefore remand the underlying applications to USAC for further action consistent with the *Bishop Perry Order*. To the extent necessary, we waive section 54.504(c) of the Commission's rules to allow the petitioners to amend their original applications and associated Item 21 attachments submitted to USAC. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each underlying application and issue and award or denial based upon a complete review and analysis no later than 90 calendar days from the release date of this order”.

8. “We believe that granting these appeals, in this instance, furthers the goals of section 254 of the Act because the applicants' funding will not be denied due to minor errors. **We thus find that a denial of funding in all instances inflicts undue hardship on the applicants.** In addition, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We therefore grant the appeals listed in the appendix and remand the underlying applications to USAC for further processing consistent with this order”.

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IV. ORDERING CLAUSES

11. “ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the underlying applications associated with the appeals listed in the appendix ARE GRANTED and REMANDED to USAC for further consideration consistent with this order”.

12. “IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3 and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 1.3 and 54.722(a), section 54.504(c) of the Commission’s rules, 47 C.F.R. § 54.504(c) IS WAIVED to the extent provided herein”.

13. “IT IS FURTHER ORDERED, pursuant to authority contained in sections 1-4 and 254 of the Communications Act, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Universal Service Administrative Company SHALL COMPLETE its review of each remanded application referenced in this order and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order”.

14. “ IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE EFFECTIVE upon release”.

Case #4 (Attachment 18)

FCC 06-54

Bishop Perry Middle School

Released Date: May 19, 2006

1. “In this Order, we grant 196 appeals of decisions by the Universal Service Administrative Company (USAC) concerning the schools and libraries universal service support mechanism (also known as the E-rate program) **denying funding due to certain clerical or ministerial errors** in the application.....In addition, we direct USAC to provide all future and pending applicants with a 15-day opportunity to cure any ministerial or clerical errors on their FCC Form 470, FCC Form 471, or associated certifications. We also direct USAC to develop targeted outreach procedures designed to better inform applicants of application procedures”.

2. “As we recently noted, **many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applicants for E-rate support being denied for ministerial, clerical or procedural errors.** We find that the actions we take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) of the Communications Act

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of 1934, as amended (the Act), by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services. **In particular, we believe that by directing USAC to modify certain applications processing procedures and granting a limited waiver of our application filing rules, we will provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program as we consider additional steps to reform and improve the E-rate program”.**

6. “The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule”.

10. *“Application Denied for Failing to Meet the Minimum Processing Standards.* Sixty-three applicants were denied funding for failing to meet USAC’s minimum processing standards. Some of these appeals involved clerical errors on the **part of the petitioners who inadvertently left portions of the Form 470 or FCC Form 471 blank or made minor errors while completing the form.** Some petitioners experienced.....Some other petitioners claim that the rules and instructions for filing an FCC Form 470 or FCC Form 471 are vague and unclear and that the resulting misunderstandings led to minor mistakes on their applications”.

11. “Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the minimum processing standards established by USAC.....Importantly, **applicants’ errors could not have resulted in an advantage for them in the processing of their application.** That is, **the applicants’ mistakes, if not caught by USAC, could not have resulted in the applicant receiving more funding than it was entitled to.** In addition, at this time, **there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.** Furthermore, we find that **the denial of funding requests inflicts undue hardship on the applicants.** In these cases, we find that the applicants have demonstrated that rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest. We therefore grant these appeals and remand them to USAC for further processing consistent with this Order”.

23. “Additional Processing Directives for USAC. As of the effective date of this Order, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications. Specifically, **USAC shall inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy these errors.....**Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile

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their FCC Form 470, FCC Form 471 or associated certifications. **USAC shall apply this directive to all pending applications and appeals even if such applications or appeals are no longer within the filing window.** The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to **correct truly unintentional ministerial and clerical errors.** The opportunity for applicants to amend their filings to cure minor errors will also improve the efficiency and effectiveness of the Fund”.

IV. ORDERING CLAUSES

28.” ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Requests for Review and Requests for Waiver of 47”.

29. “IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the petitioners as listed in Appendices A-C ARE REMANDED to USAC for further consideration in accordance with the terms of this Order”.

Conclusion:

This Appeal Letter for Request for Waiver is based on the appeal procedure guidelines provided by the Universal Service Administrative Company (USAC) website <http://www.universalservice.org/sl/about/appeals/default.aspx#B> for a showing of circumstances that could not be avoided even with careful planning.

“Waiver Requests: A waiver is a request to waive an FCC policy, rule, or deadline such as the Form 471 application filing window deadline. For example, if you missed the filing deadline for Form 471 because of extenuating circumstances, USAC cannot waive the deadline but you can ask the FCC to waive the rules in your case by filing a waiver request with the FCC. To file a waiver request, follow the instructions for Option B below. Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would

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serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning.”

The apparent final decision for rejection of USAC Invoice Numbers 1618924, 1618948, 1618960, 168966, and 1619055 was because of an incorrect entry (clerical error) on the FCC Form 471 #729408 for FRN Numbers 1973391, 1973363, 1973419, 1973430, and 1973446 with funding request amounts being entered as recurring charges instead of the correct non-recurring (one-time) charges. With these referenced FRNs being requested in the Funding Year 2010 – July 1, 2010 through June 30, 2011 – and being funded on 09/21/2011 – after March 1, 2011 – USAC was unable to automatically extend these referenced FRNs after 06/30/2011 because they were entered as monthly recurring charges.

Only recurring (one-time) requests are eligible to extend past the normal funding year end of June 30th of that year. (See **Attachment #14** that references Non-Recurring (one-time) FRNs **automatically receive extensions of the deadline for delivery** if the FCDL is issued on or after March 1 of the funding year). Since most of the products and services for these Internal Connection requests were provided after the June 30, 2011 date, USAC rejected the referenced invoices for reason of “**Ship Date Outside of Funding Year; 286**”. When USAC was contacted referencing Case #22-330512, the USAC Case Worker did not give the applicant the opportunity to correct the clerical errors on the FCC Form 471 #729408 application, and stated the applicant would need to file an appeal to FCC explaining the clerical error and request and waiver of USAC’s decision within 60 days of the rejected invoices date of 02/13/2012.

NCSD was not aware of the clerical error on the FCC Form 471 #729408 application until the service provider received a rejection notice form USAC when submitting invoices for the referenced FRNs. NCSD has worked diligently to follow procedures and guidelines since notification of these errors to make the correction. NCSD requests that Federal Communications Commission consider this request for waiver to:

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- (1) Extend the service delivery deadline to 06/30/2012 - which is the date the FRNs would have received automatic extension by USAC had the entries on the Form 471 application been entered correctly as non-recurring (one-time) charges; and
- (2) Allow NCSD personnel the opportunity to correct the clerical error on the Form 471 from recurring charges to non-recurring (one-time) charges.

These approved appeal requests would allow the service provider to resubmit invoices to USAC for approval of payment for the referenced funded FRNs.

Respectfully submitted this 12th day of April, 2012



Jason Mayo, Technology Coordinator
Neshoba County School District
401 Beacon Street
Philadelphia, MS 39350

Attachment #1 FRN Detail/History



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

Main

FRN 1973391

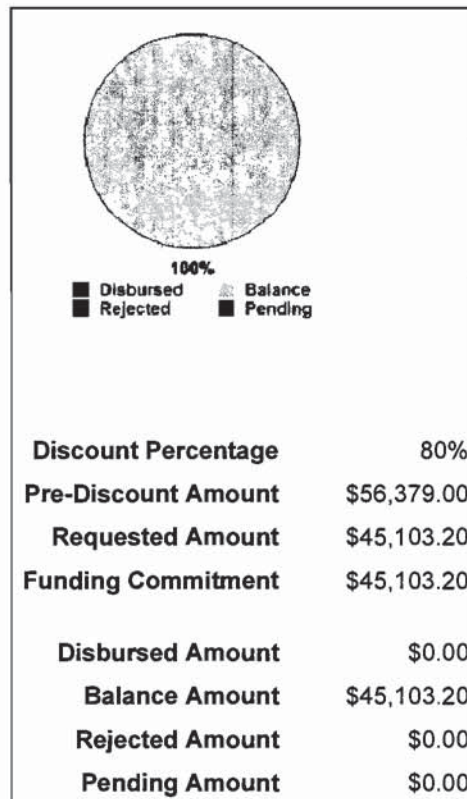
Applicant (BEN) NESHOBA COUNTY SCHOOL DISTRICT
(128658)Service Provider (SPIN) Synergetics Diversified Computer Services
(143004683)

Funding Year 2010

Service Category Internal Connections

Status Funded

Sites	5	FCDL Date	09/21/2011
Students	3,247	Wave	067
Allowable Contract Date	01/15/2010	Appeal Wave	
Contract Award Date	01/21/2010	Form 470 Number	<u>281180000783365</u>
Form 471 Service Start Date	07/01/2010	Form 471 Number	<u>729408</u>
486 Service Start Date	07/01/2010	Form 471 Status	FCDL Issued - 09/21/2011
Contract Expiration Date	06/30/2012		
Installation Deadline	06/30/2011		
Last Date to Invoice*	05/17/2012		
Last Date to Invoice (Extension Table)	05/17/2012		
Payment Method Established	SPI		



SLD Explanation MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.

* **NOTE:** The Last Date to Invoice may not be correct if the date of the related Form 486 Notification Letter is later than the date in the Installation Deadline. In that case, the last date for receipt or postmark of an invoice is 120 days after the date of the Form 486 Notification Letter or the date featured below, whichever is later.

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

History

Date	Event
02/10/2012	Changes to FRN 1973391 - Payment Method changed from 'NOT SET' to 'SPI'
01/19/2012	Changes to FRN 1973391 - Contract Expiration Date changed from '07/01/2011' to '06/30/2012' - Last Date to Invoice changed from '01/19/2012' to '05/17/2012'
01/19/2012	Changes to FRN 1973391 Extension - Last Allowable Date for an Invoice changed to '05/17/2012'
09/28/2011	Changes to FRN 1973391 - Form 486 Service Start Date changed from '0000-00-00' to '07/01/2010'
09/22/2011	Changes to FRN 1973391 - Committed Amount changed from '\$0.00' to '\$45,103.20' - Status Text changed from " to 'MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.' - FCDL Date changed from '0000-00-00' to '09/21/2011' - Wave Number changed from " to '67' - Status changed from " to 'FUNDED'
09/16/2011	Changes to FRN 1973391 - Last Date to Invoice changed from '10/28/2011' to '01/19/2012'
09/16/2011	FRN 1973391 added to FRN Extension table
04/15/2010	Changes to FRN 1973391 - Last Date to Invoice changed to '10/28/2011'
02/05/2010	FRN 1973391 added to E-rate Manager from SLD Data

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

Main

FRN 1973363

Applicant (BEN) NESHOBA COUNTY SCHOOL DISTRICT
(128658)

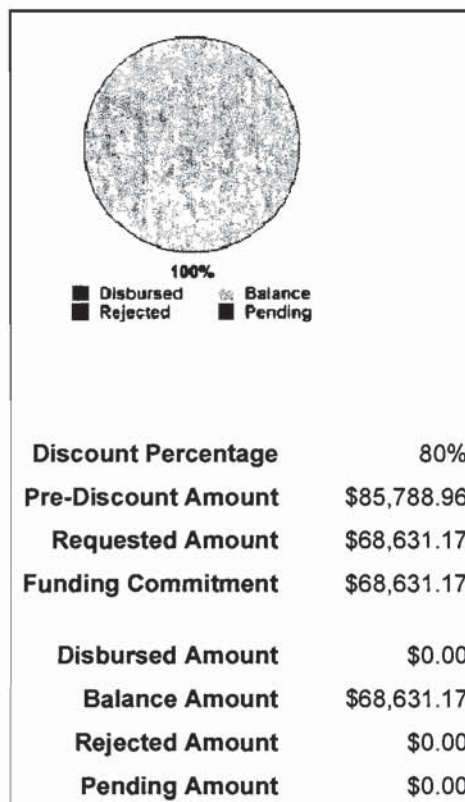
Service Provider (SPIN) Synergetics Diversified Computer Services
(143004683)

Funding Year 2010

Service Category Internal Connections

Status Funded

Sites	5	FCDL Date	09/21/2011
Students	3,247	Wave	067
Allowable Contract Date	01/15/2010	Appeal Wave	
Contract Award Date	01/21/2010	Form 470 Number	<u>281180000783365</u>
Form 471 Service Start Date	07/01/2010	Form 471 Number	<u>729408</u>
486 Service Start Date	07/01/2010	Form 471 Status	FCDL Issued - 09/21/2011
Contract Expiration Date	06/30/2012		
Installation Deadline	06/30/2011		
Last Date to Invoice*	05/17/2012		
Last Date to Invoice (Extension Table)	05/17/2012		
Payment Method Established	SPI		



SLD Explanation MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.

* **NOTE:** The Last Date to Invoice may not be correct if the date of the related Form 486 Notification Letter is later than the date in the Installation Deadline. In that case, the last date for receipt or postmark of an invoice is 120 days after the date of the Form 486 Notification Letter or the date featured below, whichever is later.

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

History

Date	Event
02/10/2012	Changes to FRN 1973363 - Payment Method changed from 'NOT SET' to 'SPI'
01/19/2012	Changes to FRN 1973363 - Contract Expiration Date changed from '07/01/2011' to '06/30/2012' - Last Date to Invoice changed from '01/19/2012' to '05/17/2012'
01/19/2012	Changes to FRN 1973363 Extension - Last Allowable Date for an Invoice changed to '05/17/2012'
09/28/2011	Changes to FRN 1973363 - Form 486 Service Start Date changed from '0000-00-00' to '07/01/2010'
09/22/2011	Changes to FRN 1973363 - Committed Amount changed from '\$0.00' to '\$68,631.17' - Status Text changed from '' to 'MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.' - FCDL Date changed from '0000-00-00' to '09/21/2011' - Wave Number changed from '' to '67' - Status changed from '' to 'FUNDED'
09/16/2011	Changes to FRN 1973363 - Last Date to Invoice changed from '10/28/2011' to '01/19/2012'
09/16/2011	FRN 1973363 added to FRN Extension table
04/15/2010	Changes to FRN 1973363 - Last Date to Invoice changed to '10/28/2011'
02/05/2010	FRN 1973363 added to E-rate Manager from SLD Data

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

Main

FRN 1973419

Applicant (BEN) NESHOBA COUNTY SCHOOL DISTRICT
(128658)

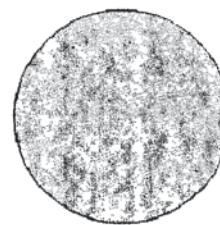
Service Provider (SPIN) Synergetics Diversified Computer Services
(143004683)

Funding Year 2010

Service Category Internal Connections

Status Funded

Sites	5	FCDL Date	09/21/2011
Students	3,247	Wave	067
Allowable Contract Date	01/15/2010	Appeal Wave	
Contract Award Date	01/21/2010	Form 470 Number	<u>281180000783365</u>
Form 471 Service Start Date	07/01/2010	Form 471 Number	<u>729408</u>
486 Service Start Date	07/01/2010	Form 471 Status	FCDL Issued - 09/21/2011
Contract Expiration Date	06/30/2012		
Installation Deadline	06/30/2011		
Last Date to Invoice*	05/17/2012		
Last Date to Invoice (Extension Table)	05/17/2012		
Payment Method Established	SPI		



100%
 Disbursed Rejected Balance Pending

Discount Percentage	80%
Pre-Discount Amount	\$18,393.00
Requested Amount	\$14,714.40
Funding Commitment	\$14,714.40
Disbursed Amount	\$0.00
Balance Amount	\$14,714.40
Rejected Amount	\$0.00
Pending Amount	\$0.00

SLD Explanation MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.

* **NOTE:** The Last Date to Invoice may not be correct if the date of the related Form 486 Notification Letter is later than the date in the Installation Deadline. In that case, the last date for receipt or postmark of an invoice is 120 days after the date of the Form 486 Notification Letter or the date featured below, whichever is later.

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

 Synergetics DCS, Inc.
 SPIN 143004683

Jennifer Kimbrough

History

Date	Event
02/10/2012	Changes to FRN 1973419 - Payment Method changed from 'NOT SET' to 'SPI'
01/19/2012	Changes to FRN 1973419 - Contract Expiration Date changed from '07/01/2011' to '06/30/2012' - Last Date to Invoice changed from '01/19/2012' to '05/17/2012'
01/19/2012	Changes to FRN 1973419 Extension - Last Allowable Date for an Invoice changed to '05/17/2012'
09/28/2011	Changes to FRN 1973419 - Form 486 Service Start Date changed from '0000-00-00' to '07/01/2010'
09/22/2011	Changes to FRN 1973419 - Committed Amount changed from '\$0.00' to '\$14,714.40' - Status Text changed from '' to 'MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.' - FCDL Date changed from '0000-00-00' to '09/21/2011' - Wave Number changed from '' to '67' - Status changed from '' to 'FUNDED'
09/16/2011	Changes to FRN 1973419 - Last Date to Invoice changed from '10/28/2011' to '01/19/2012'
09/16/2011	FRN 1973419 added to FRN Extension table
04/15/2010	Changes to FRN 1973419 - Last Date to Invoice changed to '10/28/2011'
02/05/2010	FRN 1973419 added to E-rate Manager from SLD Data

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

Main

FRN 1973430

Applicant (BEN) NESHOBA COUNTY SCHOOL DISTRICT
(128658)

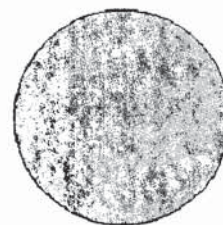
Service Provider (SPIN) Synergetics Diversified Computer Services
(143004683)

Funding Year 2010

Service Category Internal Connections

Status Funded

Sites	5	FCDL Date	09/21/2011
Students	3,247	Wave	067
Allowable Contract Date	01/15/2010	Appeal Wave	
Contract Award Date	01/21/2010	Form 470 Number	<u>281180000783365</u>
Form 471 Service Start Date	07/01/2010	Form 471 Number	<u>729408</u>
486 Service Start Date	07/01/2010	Form 471 Status	FCDL Issued - 09/21/2011
Contract Expiration Date	06/30/2012		
Installation Deadline	06/30/2011		
Last Date to Invoice*	05/17/2012		
Last Date to Invoice (Extension Table)	05/17/2012		
Payment Method Established	SPI		



100%
 Disbursed
 Rejected
 Balance
 Pending

Discount Percentage	80%
Pre-Discount Amount	\$14,164.92
Requested Amount	\$11,331.94
Funding Commitment	\$11,331.94
Disbursed Amount	\$0.00
Balance Amount	\$11,331.94
Rejected Amount	\$0.00
Pending Amount	\$0.00

SLD Explanation MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.

* NOTE: The Last Date to Invoice may not be correct if the date of the related Form 486 Notification Letter is later than the date in the Installation Deadline. In that case, the last date for receipt or postmark of an invoice is 120 days after the date of the Form 486 Notification Letter or the date featured below, whichever is later.

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

History

Date	Event
02/10/2012	Changes to FRN 1973430 - Payment Method changed from 'NOT SET' to 'SPI'
01/19/2012	Changes to FRN 1973430 - Contract Expiration Date changed from '07/01/2011' to '06/30/2012' - Last Date to Invoice changed from '01/19/2012' to '05/17/2012'
01/19/2012	Changes to FRN 1973430 Extension - Last Allowable Date for an Invoice changed to '05/17/2012'
09/28/2011	Changes to FRN 1973430 - Form 486 Service Start Date changed from '0000-00-00' to '07/01/2010'
09/22/2011	Changes to FRN 1973430 - Committed Amount changed from '\$0.00' to '\$11,331.94' - Status Text changed from '' to 'MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.' - FCDL Date changed from '0000-00-00' to '09/21/2011' - Wave Number changed from '' to '67' - Status changed from '' to 'FUNDED'
09/16/2011	Changes to FRN 1973430 - Last Date to Invoice changed from '10/28/2011' to '01/19/2012'
09/16/2011	FRN 1973430 added to FRN Extension table
04/15/2010	Changes to FRN 1973430 - Last Date to Invoice changed to '10/28/2011'
02/05/2010	FRN 1973430 added to E-rate Manager from SLD Data

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT

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BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

Main

FRN 1973446

Applicant (BEN) NESHOBA COUNTY SCHOOL DISTRICT
(128658)

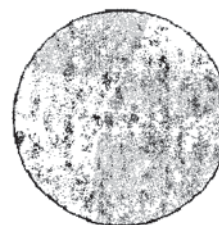
Service Provider (SPIN) Synergetics Diversified Computer Services
(143004683)

Funding Year 2010

Service Category Internal Connections

Status Funded

Sites	5	FCDL Date	09/21/2011
Students	3,247	Wave	067
Allowable Contract Date	01/15/2010	Appeal Wave	
Contract Award Date	01/21/2010	Form 470 Number	<u>281180000783365</u>
Form 471 Service Start Date	07/01/2010	Form 471 Number	<u>729408</u>
486 Service Start Date	07/01/2010	Form 471 Status	FCDL Issued - 09/21/2011
Contract Expiration Date	06/30/2012		
Installation Deadline	06/30/2011		
Last Date to Invoice*	05/17/2012		
Last Date to Invoice (Extension Table)	05/17/2012		
Payment Method Established	SPI		



100%
 Disbursed Balance
 Rejected Pending

Discount Percentage	80%
Pre-Discount Amount	\$10,344.96
Requested Amount	\$8,275.97
Funding Commitment	\$8,275.97
Disbursed Amount	\$0.00
Balance Amount	\$8,275.97
Rejected Amount	\$0.00
Pending Amount	\$0.00

SLD Explanation MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.

* NOTE: The Last Date to Invoice may not be correct if the date of the related Form 486 Notification Letter is later than the date in the Installation Deadline. In that case, the last date for receipt or postmark of an invoice is 120 days after the date of the Form 486 Notification Letter or the date featured below, whichever is later.

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT



BY FUNDS FOR LEARNING

Synergetics DCS, Inc.
SPIN 143004683

Jennifer Kimbrough

History

Date	Event
02/10/2012	Changes to FRN 1973446 - Payment Method changed from 'NOT SET' to 'SPI'
01/19/2012	Changes to FRN 1973446 - Contract Expiration Date changed from '07/01/2011' to '06/30/2012' - Last Date to Invoice changed from '01/19/2012' to '05/17/2012'
01/19/2012	Changes to FRN 1973446 Extension - Last Allowable Date for an Invoice changed to '05/17/2012'
09/28/2011	Changes to FRN 1973446 - Form 486 Service Start Date changed from '0000-00-00' to '07/01/2010'
09/22/2011	Changes to FRN 1973446 - Committed Amount changed from '\$0.00' to '\$8,275.97' - Status Text changed from '' to 'MR1: The Contract Award Date was changed from 6/30/2010 to 01/21/2010 to agree with the applicant documentation.' - FCDL Date changed from '0000-00-00' to '09/21/2011' - Wave Number changed from '' to '67' - Status changed from '' to 'FUNDED'
09/16/2011	Changes to FRN 1973446 - Last Date to Invoice changed from '10/28/2011' to '01/19/2012'
09/16/2011	FRN 1973446 added to FRN Extension table
04/15/2010	Changes to FRN 1973446 - Last Date to Invoice changed to '10/28/2011'
02/05/2010	FRN 1973446 added to E-rate Manager from SLD Data

Last updated on Monday, March 26th, 2012 at 05:50:08 AM CDT